

Notice of Allowability

Application No.

10/642,760

Examiner

Sheela C. Chawan

Applicant(s)

TSUCHIYA ET AL.

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to June 19, 2007.
2. ☒ The allowed claim(s) is/are 1-8, 16, Renumbered as 1-9.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892) 313/07
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date See Continuation Sheet
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on June 19, 2007 has been entered.

In response to applicant's amendment and persuasive arguments, all the prior art rejection has been withdrawn.

Claims 9-15 are canceled.

Claims 1- 8 and 16 are pending in the application.

Response to Arguments

2. Applicant's arguments filed on June 19, 2007 have been fully considered and are persuasive see remarks on page 9 lines 8- 10 with respect to claims 1-15 under 102(b) rejection are withdrawn and all the pending claims 1- 8 and 16 are allowed.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

4. The information disclosure statement (IDS) submitted on, 8/19/03, 2/25/04, 3/19/04 and 2/25/04, the information disclosure statement is being considered by the examiner.

Drawings

5. The Examiner has approved drawings filed on 8/19/03.

Reasons For Allowance

6. The following is an examiner's statement of reasons for allowance:

Claims 1- 8 and 16 are allowed, and renumbered as 1-9.

Applicant's arguments see remarks on page 9 lines 3- 10, of the remarks filed on June 19, 2007. The prior art Yoda et al. (JP 59-192943) discloses, the pattern inspection apparatus, comprises only a die- to-die comparator. More specifically, picture signals obtained at a line sensor are converted to digital signals by an AD converter and sent to a comparison circuit and a delay circuit. The delay circuit outputs signals, which will be input, to the comparison circuit together with the digital signals sent from the AD converter in the same timing. The signals are then compared and the comparison result is judged by a defect determination circuit to be sent to a defect data storage circuit. The defect data storage circuit stores the position of a moving platform and the scanning coordinates in the line sensor at this time. In addition, a computer retrieves defect coordinates from the defect data storage circuit for recording or displaying purposes. Furthermore, the defect data storage circuit of Yoda is used for storing position data, not pattern data, as is recited in the claimed invention. In addition, the apparatus of Yoda does not have "a reference pattern data generator as in the claimed invention, which generates reference pattern data corresponding to detected pattern data from designed data within the pattern inspection apparatus, as commonly included in the independent claim 1. The prior art of record fails to teach either

singularly or in combination, fails to anticipate or render the above limitations obvious. Claims 1-8 and 16 are allowed.

7. Any comments considered necessary by applicant must be submitted on later than the payment of the issue fee and to avoid processing delays should preferably accompany the issue fee. Such submissions should be clearly labeled, comments on statement of reasons for allowance.

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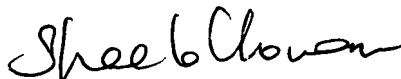
Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila C Chawan whose telephone number is. 571-272-7446. The examiner can normally be reached on Monday - Thursday 7.30 - 6.00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on 571-272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sheela Chawan
Patent Examiner
Group Art Unit 2624
Sept 11, 2007



SHEELA CHAWAN
PRIMARY EXAMINER